

### **Remarks**

Claims 14 and 32 were amended, claims 1-19 and 25-33 are pending. In light of the forgoing amendment and following remarks, the applicants respectfully request withdrawal of the pending objections and rejections, and advancement of this application to allowance.

#### **A. Objection to Claims 32 and 33**

Claims 32 and 33 were rejected because claim 32 depends on itself and claim 33 depends from claim 32. The applicants thank the examiner for noting this typographical error and have amended claim 32 to depend from claim 1. Accordingly, the applicants respectfully request withdrawal of the pending objection.

#### **B. Rejection of Claims 14-16 over Siddiqui et al.**

Claims 14-16 stand rejected as being anticipated by Siddiqui et al. The applicants respectfully traverse this rejection.

Siddiqui et al. discloses an apparatus and method for measuring the moisture in soil. Spikes 72 are inserted into the soil 74. A pulse is transmitted into the spike and the reflected signal is measured. The soil 74 is merely a work piece and does not form a part of the probe. When the template 76 is pulled away from the soil 74, the spikes 72 are removed from the soil and there is no ground (either physically or electrically) between them.

In sharp contrast, claim 14 sets forth a probe having a single ground structure between the first and second probe tips. The ground forms a part of the probe and thus is fixed between the first and second probes. Siddiqui et al. fails to disclose such a structure.

Claim 14 was amended to clarify the relationship between the ground and the probes. This amendment is intended to be clarifying of the original claim scope and thus is not intended to further narrow it.

The applicants respectfully submit that claim 14 (and hence claims 15 and 16) is patentably distinct from Siddiqui et al., and request reconsideration and withdrawal of the pending rejection.

**C. Rejection of Claims 14-16 over Triplett**

Claims 14-16 stand rejected as being anticipated by Triplett. The applicants respectfully traverse this rejection.

Triplett discloses a hand-held apparatus and method for testing electrical outlets in which two probes 16 and 17 are inserted into the outlet. The case 11 and the operator do not form a ground. If the case and the operator did form a ground, it would result in an electrical current running through the operator and potential electrocution. Given that Figures 5 and 6 illustrate an operator handling the case with an unprotected hand, Triplett suggests that the case is electrically insulated from the probes 16 and 17.

In sharp contrast, claim 14 sets forth a probe having a single ground structure between the first and second probe tips. Triplett fails to disclose such a structure.

The applicants respectfully submit that claim 14 (and hence claims 15 and 16) is patentably distinct from Triplett, and request reconsideration and withdrawal of the pending rejection.

**Conclusion**

In light of the foregoing amendments and remarks, the applicants request withdrawal of the pending objections and rejections and allowance of all the pending claims. Although certain arguments are set forth supporting the patentability of the claims, the applicants note there may be other reasons and arguments that the claims are patentably distinct from the cited references. The applicants reserve the right to raise any such argument in the future and to pursue any claim scope supported by the disclosure set forth in the application.

Please contact the undersigned attorney if there are any questions.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 322-5300

Date:

May 16, 2003



A handwritten signature in black ink, consisting of a series of loops and flourishes, positioned above the printed name.

John C. Reich  
Reg. No. 37,703  
JCR:PSTklg